

Supporting Statement for Paperwork Reduction Act Submission

OMB Control Number 1018-0102

Special Use Permit Application on National Wildlife Refuges Outside Alaska

FWS Form 3-1383

**50 CFR 25.41, 25.61, 26.36, 27.71, 27.91, 27.97, 29.1, 29.2, 30.11, 31.2, 31.13,
31.14, 31.16, 32.2(1) and 43 CFR 5**

November 5, 2004

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee), as amended, (Administration Act) and the Refuge Recreation Act of 1962 (16 U.S.C. 460k-460k-4) (Recreation Act) govern the administration and uses of national wildlife refuges and wetland management districts. The Administration Act consolidated all the different refuge areas into a single "Refuge System." It also authorizes us to permit public accommodations on lands of the National Wildlife Refuge System, including commercial visitor services when we find that the activity is compatible and appropriate with the purpose for which the refuge was established. The Recreation Act allows the use of refuges for public recreation when it is not inconsistent or interfering with the primary purpose(s) of the refuge.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

We will provide refuge permit applications as requested by interested applicants. We use the required written forms as well as verbal explanatory information to ensure that the applicant is eligible and/or the most qualified applicant to receive the refuge special use permit. We make provisions in our general refuge regulations for public entry for specialized purposes, including economic activities such as the operation of guiding and other visitor services on refuges by concessionaire or cooperators under appropriate contracts or legal agreements or special use permits (50 CFR 25.41, 25.61, 26.36, 27.71, 27.91, 27.97, 29.1, 29.2, 30.11, 31.2, 31.13, 31.14, 31.16, 32.2(1) and 43 CFR 5). These regulations provide the authorities and procedures for allowing permits on national wildlife refuges and wetland management districts outside the State of Alaska. Many permittees provide services and facilities to the public. We issue permits for a specific period as determined by the type and location of the use or visitor service provided. We use this permit to ensure that the applicant is aware of the requirements of the permit and to ensure that the applicant is aware of his/her legal rights. The likely respondents to this collection of information are individual citizens, certain corporations that wish to be considered to conduct

special uses on a refuge, nonprofit organizations, and Federal, State, local, or tribal governments. We use part of FWS Form 3-1383 (Special Use Permit) as the application. We have not made any changes to this form. The applicant for the permit will provide the following information:

a. Permittee Name and Address. We use this information to identify the person or other entity that is applying for the permit. The confidentiality of this information is protected by provisions of the Privacy Act of 1974.

b. Application Date. Date that the applicant applies for the special use permit.

c. Period of Use. Period of time that for which the special use permit is desired.

d. Purpose. Identifies the purpose of the activity for which the permit is sought.

e. Description of Activity. Provides description of the activity to enable the refuge manager to determine if the activity is compatible and appropriate with the purpose for which the refuge was established.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements.].

Because FWS Form 3-1383 is the actual permit as well as the application, we have not used electronic or automated information collection or transmittal techniques. The form is not available online since this is the permit itself and requires the original signature of both the applicant and the refuge manager. During the next renewal term, we will design an application form and make it available online for prospective applicants to complete and submit. This will separate the application process from the Special Use Permit.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

There is no duplication. No data on users of special use permits at national wildlife refuges or wetland management districts is currently available. We use applicable portions of original applications in the case of renewals. We need the information requested on permit application forms to review the proposed use or activity and to evaluate the impacts on refuge resources and other users to determine if the activity is compatible and appropriate with the purposes and mission of the Refuge System. The information is specific to the applicant and the use or activity proposed and, consequently, there is no duplication.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

This collection of information does not have a significant impact on a substantial number of small entities. Individuals submit the information that we collect for specific needs and this information is not available from any other source. Small businesses from which we collect information are typically recreational visitor service operations (outfitters/guides), farming operations, commercial filming, and other commercial activities. As in the case of individual applicants, State, local, or tribal governments or other for-profit and not-for-profit institutions, we limit the information requested to the minimum necessary to establish eligibility, resource protection, and to demonstrate the applicants are aware of information they need to know to protect themselves from future legal and financial predicaments.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Without the information requested in the permit application, our personnel would be unable to review the proposed uses and evaluate the impacts or effects of proposed uses of refuge system lands. This would preclude our ability to fulfill statutory requirements and our responsibilities under the Administration Act, the Recreation Act, and other relevant laws and regulations to determine if the proposed activity or use meets refuge compatibility standards to evaluate the impact on uses of the refuge.

Some special uses, such as haying and grazing, are beneficial management tools that we use to provide the best habitat possible on some refuges and wetland management districts. We could not accomplish these management objectives without the cooperation and involvement of private individuals. Special Use Permits provide us with a legal and binding document authorizing the use.

Permits are the most effective method of allowing this type of activity to occur on refuges in a fair and equitable fashion. There is no set frequency of collection; the information is submitted by individuals in applications for Special Use Permits on an as-needed basis, and information collection only occurs at the time of application. We issue permits for a specified period of time, and they may be renewed, which is a much shorter and simpler process.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
- * requiring respondents to report information to the agency more often than quarterly;
 - * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
 - * requiring respondents to submit more than an original and two copies of any document;
 - * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;

- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances associated with this information collection in terms of unnecessary burden on the respondents. Participation is voluntary. There are no circumstances that would require the collection to be inconsistent with the guidelines in 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

A 60-day notice of intent to request renewal of this information collection was published in the Federal Register on July 16, 2004 (69 FR 42762). The comment period closed on September 14, 2004, and we received three comments. No changes were made to the information collection as a result of the comments.

Comment: A commenter believed that (1) the proposal was too vague and we should describe what kind of permits we issue; (2) at an estimate of 25 permits issued per refuge, we were issuing too many permits; and (3) farming activities were incompatible with refuge operations.

Response:

(1) The universe of types of permits potentially issued on our 529 national wildlife refuges outside of Alaska prevents us from listing each and every type of permit. We describe a sampling of the types of permits a refuge manager, upon finding an activity compatible, might issue.

(2) As to the average estimate of permits issued per refuge, each refuge manager must decide on the merits of a request using various methods of determination, such as compatibility, funding, and other resource availability to ensure adequate protection of refuge resources and the visiting public, etc., before issuing a Special Use Permit.

(3) The refuge manager may determine that, in some cases, farming activities are a management tool that may answer the criteria outlined in response (2) and are compatible with the purpose for which the particular refuge was established.

Comment: We received two comments from ham radio operators that disagreed with the decision by the refuge manager to deny issuance of a permit for the purpose of receiving and broadcasting transmissions. The requestors felt this request was not incompatible with the purposes for which the refuge was established.

Response: The purpose of this notice was to solicit comments on information collection in the form of Special Use Permits for the National Wildlife Refuge System. These comments relate not to the purpose of the notice, but rather to the compatibility decisionmaking process whereby a refuge manager decides whether or not to allow a public use on a national wildlife refuge. Because these comments are not substantive to the purpose of this notice and this is not the appropriate venue for the commenters to resolve their concerns, we will not address those concerns in this forum.

Comment: We received a comment that suggested that the Special Use Permit application be made available online for potential permittees to download themselves and fill out to cut down on "hard paper" and facilitate electronic issuance of the permit.

Response: We have considered electronic access to and processing of Special Use Permits. However, for the purposes of proper management oversight, control, and enforcement of permit condition violations (e.g., original signature on permit), and ensuring local conditions are considered as part of each request, we elect at this time to continue with the existing local paper system. However, as stated in item 3, during this renewal period, we will redesign the form to separate the application from the actual permit.

The following individuals were consulted to obtain their views on the clarity of instructions, length of time to make application, etc.:

1. William R. Bonwell, State Director, APHIS-WS, Department of Agriculture, Wildlife Services, 730 Yokum Street, Elkins, WV 26241, (304) 636-1785

2. Mike Livingston, Washington Department of Fish and Wildlife, 2620 N. Commercial Avenue, Pasco, WA 99301, (509) 545-2201
3. Brian Harrington, Manomet Center for Conservation Sciences, P.O. Box 1770, Manomet, MA 02345, (508) 224-6521
4. Chip (Harold) Chase, White Grass, Inc., HC 70, Box 299, Davis, WV 26260, (304) 866-4114

All responses indicated that the information we collect is necessary and appropriate and the burden is not excessive.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Respondents will not receive pay gratuity for completing the questionnaire.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

We require no confidential information and state that we are requesting this information in accordance with the Privacy Act of 1974.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

We do not solicit information of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:
 - * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
 - * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
 - * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

Most respondents should have access to required documentation and have personal knowledge of the requested information; however, respondents may need to conduct research to provide the requested information. Recordkeeping will be important so that we may perform audit procedures. We estimate that it takes an average of 1 hour to complete the application requirements to supply the needed information. We estimate that on the 529 national wildlife refuges and the 37 wetland management districts outside the State of Alaska, we will authorize 14,150 permits each year. Costs to individuals are estimated at \$212,250 based on an estimated cost of \$15 per hour for time spent compiling required information.

Number of respondents annually	Average time per application	Applicant costs (@\$15/hour)	Total Annual Burden Hrs
14,150	1 hour	\$212,250	14,150

Description of respondents: Individuals or households; State, local, or tribal governments; businesses or other for-profit organizations; and not-for-profit institutions.

Types of permitted activities: agriculture, commercial activities, commercial filming, commercial visitor services, special events, easements, rights-of-way, hunting, research, and other miscellaneous activities.

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).
- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
 - * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no additional annual out-of-pocket costs to respondents.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

There are 529 national wildlife refuges and 37 wetland management districts outside the State of Alaska. On the average, each refuge will issue 25 special use permits annually with a single average permit cost to the government of \$45.00 to process (equipment, overhead, printing, postage, audit costs, and support staff) for a total of \$636,750. On many refuges and wetland management districts, the permit application is simply handed to the respondent, or mailed; on other refuges and wetland management districts, staff may discuss specific permit conditions with the respondent before the respondent fills out the form. Once completed and returned to the refuge and wetland management district, the project leader approves or disapproves the permit application. If approved, we will impose and/or clarify conditions, the issuing officer will sign the document, and return a copy to the respondent.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

We have revised the estimated respondents, completion time, annual time, and cost burdens associated with the reporting and recordkeeping from previous (2001) estimates to reflect an increase in the number of refuges in the National Wildlife Refuge System outside of Alaska (7) and included the wetland management districts (37) which, in turn, increases the number of respondents, annual time, and cost burdens.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

We do not plan to publish this information.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We will display the OMB approval number and expiration date on the application.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

We have no exceptions to this statement.

B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.